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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4330/2025
KAUSHAL KANTAPetitioner

Through: Mr. Akhil Kumar, Advocate.
M. 807662832

versus

THE STATE (NCT OF DELHI) & ORS.Respondents

Through: Mr. Manashwy Jha, Panel Counsel for
R-1
M. 9013980691
Email. Manas244@gmail.com
Ms. Sangeeta Bharti, SC with Mr.
Shreesh Pathak, Advocate for DJB
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Ms. Shilpa Dewal, ASC for MCD
M. 9971192772
Email. shilpadewan06@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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24.04.2025

1. As recorded in the order dated 9th April, 2025, the present writ petition has been filed seeking action against the illegal and unauthorized construction carried out in property, bearing no. 1794, *Sohan Ganj, Subzi Mandi, Delhi-110007*.
2. Learned counsel appearing for Preeti Singhal, i.e., the owner/occupier of the property in question, has appeared before this Court and has handed over a copy of the order dated 23rd October, 2024, passed in W.P. (C) 13348/2024, "*Kaushal Kanta Versus The State (NCT of Delhi) & Ors.*"
3. It is submitted that with respect to the same property, and the same



unauthorized construction, the petitioner had filed earlier writ petition as aforesaid, which was disposed of *vide* order dated 23rd October, 2024.

4. The order dated 23rd October, 2024, passed in *W.P. (C) 13348/2024*, as handed over by learned counsel appearing for Preeti Singhal, owner/occupier of the premises in question, reads as under:

“xxx xxx xxx

1. The petitioner has approached this Court, under Article 226 of the Constitution, complaining of alleged unauthorised construction in property No. 1794, Sohan Ganj, Subzi Mandi, Delhi-110007.

*2. Ms. Puja Kalra, learned Standing Counsel for the Municipal Corporation of Delhi [“MCD”], submits that as per the status report dated 21.10.2024, it is stated that a demolition order has already been passed on 13.08.2024 and work stop notices have been issued on 23.08.2024 and 15.10.2024. Demolition action was fixed on 25.09.2024, but no action could be taken due to an order of the Supreme Court in *W.P.(C) 295/2022*.*

3. Mr. Virendra Singh, learned counsel for respondent No. 3, states that he has received the copy of demolition order and filed an appeal before the Appellate Tribunal for Municipal Corporation of Delhi [“ATMCD”]. Although no interim protection has yet been granted by the ATMCD, the interim application remains pending.

4. Having regard to these facts, it appears that MCD is in seisin of the illegal construction in the property. No further orders are therefore required in this writ petition, which stands disposed of.

xxx xxx xxx”

5. Perusal of the aforesaid order clearly shows that the earlier writ petition, was filed by the petitioner for the same property, which is subject matter of the present writ petition.

6. The earlier writ petition filed by the petitioner was disposed of, noting the fact that an appeal has already been filed before the learned Appellate Tribunal, Municipal Corporation of Delhi (“ATMCD”) by the said owner/occupier of the property in question.

7. When an earlier writ petition on the same cause of action, with respect to the same property, has already been disposed of by this Court, there arises



no occasion for entertaining a second writ petition, on same cause of action.

8. This Court notes that the appeal bearing no. 928/2024 filed by the owner/occupier of the property is listed before the learned ATMCD, on 6th August, 2025.

9. Accordingly, it is directed that the requisite action shall be taken by the MCD, subject to the outcome of the proceedings, before the learned ATMCD.

10. Noting the aforesaid, the present writ petition, is dismissed.

MINI PUSHKARNA, J

APRIL 24, 2025

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